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ORDERED

GI 5182A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Rod Hewick, et al.

Serial No.: 07/800,364

Examiner: K. Furman

Filed : November 26, 1991

Art Unit: 1814

For : BONE AND CARTILAGE INDUCTIVE PROTEINS

January 13, 1994

Hon. Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231  
ATTN: Donna Chapman, Supervisor

Certificate of Facsimile Transmission	
I hereby certify that this document is being facsimile transmitted to the Patent and Trademark Office as shown below.	
Diana Gentile	
Type or print name of person signing certificate.	
Diana Gentile	1/13/94
Signature	Date

**LETTER**

This is in response to the telephone conference with Ms. Donna Chapman January 11, 1994. Ms. Chapman instructed Applicants to send or fax a copy of the amendment filed August 4, 1993. Although this amendment was received by the Patent and Trademark Office as evidenced by the enclosed return postcard bearing an August 4, 1993 mailroom stamp, a Notice of Abandonment was received September 17, 1993.

Ms. Chapman indicated during the January 11 telephone conference that extension and other fees relating to this application had in fact been charged to Applicants' Deposit Account No. 07-1060.

The following documents are faxed herewith to (703) 305-3014.

1. Mail room receipt postcard bearing August 4, 1993 stamp
2. Transmittal Letter (1 page)
3. Extension of Time (1 page)
4. Information Disclosure Statement (2 pages)
5. Form PTO-1449 (2 pages)
6. Amendment with Appendix A (20 pages)
7. Deposit Declaration (2 pages)

A copy of these documents as well as ten references listed on PTO-1449 and PCT/US91/03388 are being hand delivered to Ms. Chapman within a few days.

In view of the above, it is respectfully submitted that the Notice of Abandonment be withdrawn and the response of August 4, 1993 be considered by the Examiner.

No fee is believed due. However, if any fee should be due, authorization is hereby given to charge it to our Deposit Account No. 07-1060. Two copies of this sheet are enclosed.

Respectfully submitted,

January 13, 1994  
Date

Ellen J. Kapinos

Ellen J. Kapinos  
Reg. No. 32,245  
Attorney for Applicants

Legal Affairs  
GENETICS INSTITUTE, INC.  
87 CambridgePark Drive  
Cambridge, Massachusetts 02140

## PATENT

Serial No. 800,264 Doc. No. 57,829-01 Atty/Sec EF/NN Date Aug 4, 1993Inventor Rod Hunk, Takung, Tchakwazy, Tony CelarteTitle Bone and Cartilage Induction Factors

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

pp. Spec., Claim, Abstract	<u>20</u>	pp. Amendment: OA did	<u>2-5-93</u>
pp. Declaration/Power of Attorney		pp. Response: OA did	
pp. Verified Statement (Small Entity)	<u>2</u>	pp. Transmittal Letter	<u>in duplicate</u>
shts. Informal Drawings	<u>10</u>	Issue Fee	
shts. Formal Drawings	<u>10</u>	Notice of Appeal & Fee	
pp. Assignment		Check #	
pp. Preliminary Amendment	<u>1</u>	for \$	
<u>✓</u> pp. Extension of Time	<u>indeterminate</u>	Deposit Declaration	
<u>✓</u> pp. Information Disclosure Statement		PET <u>JUS 91/03388</u>	
with PTO-1499 and <u>10</u> references			

The Patent and Trademark Office is respectfully requested to place its stamp on this postal card and place it in the outgoing mail.

Respectfully,  
Genetics Institute, Inc.

VIA Express Mail  
RG 793 966 844US

SERIAL NO.: 07/800,364  
FILED: November 26, 1991  
GROUP ART UNIT: 1814

SIR:  
In re application of: Rod Hewick et al.

Entitled: BONE AND CARTILAGE INDUCTIVE PROTEINS

Transmitted herewith is an Amendment in the above-identified application. The following checked items are applicable:

[X] A Petition for Extension of Time for 3 months is hereby made, under §1.136(e) and fee is calculated herein;

[X] Other: Declaration of Deposit Requirements and enclosures  
Information Disclosure Statement with 10 references attached.

Claims after amendment	Minus Prior PAID claims	Equals present extra claims	RATE	FEE
Independent 8	- 13	=	x \$74.00 =	\$ .00
Total 21	- 25	=	x \$22.00 =	\$ .00
[ ] Multiple Dependent Claims (1st presentation)			+ \$230.00	\$ .00
[XX] Information Disclosure fee pursuant to revised §1.97 & §1.98			+ \$200.00	\$200.00
			SUBTOTAL FEE	\$ .00
[X] Petition for Extension of time fee pursuant to §1.17 extension within 3 months				\$640.00
			TOTAL ADDITIONAL FEE	\$640.00

[X] The fee has been calculated above; The Commissioner is hereby authorized to charge payment of \$1040.00 under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 07-1060.

[ ] No additional fee is believed due.

CERTIFICATE OF MAILING

Date of Deposit: August 4, 1993

I hereby certify that this correspondence is being deposited with the United States Postal Service Via Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on date indicated above and addressed to Honorable Commissioner of Patents and Trademarks, Washington, D.C. 20231.

*Ellen J. Kapinos*

*Ellen J. Kapinos*  
Attorney of Record: Ellen J. Kapinos  
Registration No. 32,245

SUBMITTED IN TRIPLICATE

Genetics Institute, Inc.  
87 CambridgePark Drive  
Cambridge, MA 02140

GI 5182A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Rod Hewick et al.  
Serial No. : 07/800,364 Examiner : K. Kurman  
Filed : November 26, 1991 Art Unit : 1814  
For : BONE AND CARTILAGE INDUCTIVE PROTEINS

August 2, 1993

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

*RB 793966844 US*  
"Express Mail" mailing label number:  
Date of Deposit: *AUGUST 4, 1993*  
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and Trademarks, Washington, D.C. 20231.

PETITION AND FEE FOR EXTENSION OF TIME UNDER 37 CFR 1.136

We hereby request an extension of time for response of three (3) month/s pursuant to 37 CFR 1.136(a) in which to respond to the Office Action mailed February 5, 1993. This extension resets the time for response from May 5, 1993 to August 5, 1993.

We authorize the charging of Eight Hundred and Forty (\$840.00) and any additional fees and crediting of overpayment to our Deposit Account 07-1060, and for this purpose, we enclose a duplicate copy of this petition.

Respectfully submitted,



Ellen J. Kapinos  
Reg. No. 32,245  
Attorney for Applicants  
(617)-876-1170

August 3, 1993  
Date

Genetics Institute, Inc.  
87 CambridgePark Drive  
Cambridge, MA 02140-2387

GI 5182A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Rod Hewick et al.

Serial No. : 07/800,364

Examiner : K. Furman

Filed : November 26, 1991

Art Unit : 1814

For : BONE AND CARTILAGE INDUCTIVE PROTEINS

August 2, 1993

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

"Express Mail" mailing label number: RB793966844 US  
Date of Deposit: August 4, 1993  
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deposited with the United States Postal Service  
"Express Mail Post Office to Addressee" service  
under 37 C.F.R. 1.10 on the date indicated above  
and is addressed to the Commissioner of Patents  
and Trademarks, Washington, D.C. 20231.

Ellen J. Barnes

Sir:

**INFORMATION DISCLOSURE STATEMENT**

In accordance with the provisions of 37 C.F.R. §§ 1.56 and 1.97, 1.98(d) the publications and/or patents listed on the attached form PTO-1449 are cited for consideration by the Examiner in connection with the examination of the above-identified patent application. It is understood that the references need not be provided herewith as they have been previously submitted to the Office in the prior parent application. Those references which are marked by an asterisk have been provided herewith as they were not cited in the parent and comprise the most recent relevant art of which applicant is aware.

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the Filing Date or before the mailing date of the First Office Action on the merits; or
- ☒ (2) after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance, and the requisite Certification or fee under Rule 1.17(p), namely \$200.00, is included herein; or
- ☐ (3) after the mailing date of a Final Rejection or Notice of Allowance but before the payment of the Issue Fee, and the requisite Certification, petition, and petition fee are included herein.

It is respectfully requested that each of the documents shown on the attached form PTO-1449 be made of record in this application.

Early examination and allowance of the present application are respectfully solicited.

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 07-1060. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,



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